UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

FULLTIME FANTASY SPORTS, LLC a Delaware limited liability company, Plaintiff, v. STEVEN and JANE DOE RINDNER, and their marital community; MARK and JANE DOE STIEGLITZ, and their marital community; DOUG and JANE DOE SMITH, and their marital community; CRAIG and JANE DOE MALITZ, and their marital community; ROSS and JANE DOE LEVINSOHN, and their marital community; ROSS and JANE DOE LUKATSEVICH, and their marital community; JOE and JANE DOE ROBINSON; and their marital community; TAMMER and JANE DOE FAHMY, and their marital community; MAYO and JANE DOE STUNTZ, and their marital community; JAMES and JANE DOE HECKMAN, and their marital community; PAUL and JANE DOE MCNICHOL, and their marital community thereof; ANDREW and JANE DOE RUSSELL, and their marital community thereof; HOWARD and JANE DOE LIPSON, and their marital community thereof; PILOT GROUP, GP, LLC, a Delaware corporation; and JANE and JOHN DOES 1 through 8, Defendants.	NO. 2:17-cv-00920 **NOTICE OF REMOVAL**

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TO: THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON

PLEASE TAKE NOTICE that defendants Tammer Fahmy, Howard Lipson, Ross Lukatsevich, Craig Mallitz, Paul McNicol, Joe Robinson, Andrew Russell, and Mayo Stuntz (collectively "Removing Defendants"), by and through their undersigned counsel, hereby remove Case No. 17-2-01612-8 SEA, filed in the Superior Court of Washington, King County, to the United States District Court for the Western District of Washington, pursuant to 28 U.S.C. § 1331, 1367, 1441 and 1446. As grounds for removal, the Defendants state as follows:

1. On January 24, 2017, Plaintiff Fulltime Fantasy Sports, LLC ("Plaintiff") filed a Summons and Complaint captioned *Fulltime Fantasy Sports, LLC v. Rindner et al.*, Case No. 17-2-01612-8 SEA, in the Superior Court of Washington, King County (the "State Court Action").

2. On May 4, 2017, Plaintiff filed a Summons and First Amended Complaint in the State Court Action. Pursuant to Local Civil Rule 101(b) of the United States District Court for the Western District of Washington, copies of the Summons and First Amended Complaint are attached hereto as Appendix A. The allegations forming the basis for this Court's original jurisdiction based on federal question grounds were first pled in the First Amended Complaint.

3. On May 18, 2017, the undersigned counsel was authorized to and did accept service of the Summons, First Amended Complaint, Order Setting Civil Case Schedule, and Case Information Cover Sheet and Area Designation on behalf of defendants Tammer Fahmy, Howard Lipson, Russ Lukatsevich, Craig Mallitz, Paul McNichol, and Joe Robinson.

4. In the State Court Action, Plaintiff has filed affidavits of service of the Summons, First Amended Complaint, Order Setting Civil Case Schedule, and Case Information Cover Sheet and Area Designation, indicating service on the following defendants:

a. On May 15, 2017, Plaintiff served Andrew Russell in New York, NY.

b. On May 15, 2017, Plaintiff served Jane Doe Russell in New York, NY.

c. On May 23, 2017, Plaintiff served Mayo Stuntz in Mamaroneck, NY.

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d. On May 23, 2017, Plaintiff served Jane Doe Stuntz in Mamaroneck, NY.

e. On May 24, 2017, Plaintiff served Doug Smith in Norcross, GA.

5. In accordance with 28 U.S.C. § 1446(b)(2)(A), defendants Jane Doe Russell, Doug Smith, and Jane Doe Stuntz and have been advised of and consent to this removal.

6. The undersigned counsel are informed and believe that other than the Removing Defendants and the defendants identified in Paragraph 5 above, no other named party has been properly joined and served.

7. None of the defendants have answered or otherwise pled in the State Court Action.

Grounds for Removal

There is Federal Question Jurisdiction Under 28 U.S.C. § 1331

8. Plaintiff alleges that Plaintiff entered into an Asset Purchase Agreement ("APA") in which Plaintiff was to receive shares of non-party Scout Media, Inc. ("Scout") stock in exchange for certain assets of Plaintiff. *See* FAC, ¶ 16. Based on alleged representations made by defendants to Plaintiff about Scout, Plaintiff alleges that it was induced to enter into the APA. *Id.* at ¶¶ 17-19. Plaintiff alleges that as agreed to in the APA, it delivered certain assets to Scout but Plaintiff did not receive the Scout shares. *Id.* at ¶¶ 20 & 22. Plaintiff pleads that Scout and Plaintiff subsequently rescinded the APA but Scout did not return all of Plaintiff's assets paid in consideration for the Scout shares. *Id.* at ¶ 26.

9. Based on the aforementioned transaction and subsequent rescission, Plaintiff pleads the following causes of action in its First Amended Complaint: Violation of the Washington State Securities Act (*see* FAC First Cause of Action), Violation of Section 10(b) of the Securities Exchange Act of 1934 (15 U.S.C. § 78a et seq.) and Rule 10b-5 (*see id.* Second Cause of Action), Violation of the Washington Consumer Protection Act (*see id.* Third Cause of Action), Negligent Misrepresentation (*see id.* Fourth Cause of Action), Violation of the Uniform Fraudulent Transfer Act (*see id.* Fifth Cause of Action), and Conversion (*see id.* Sixth Cause of Action).

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10. This Court has original jurisdiction pursuant to 28 U.S.C. § 1331 because the State Court Action is a civil action arising under the laws of the United States. In the First Amended Complaint, Plaintiff's Second Cause of Action alleges violation of Section 10(b) of the Securities Exchange Act of 1934 (15 U.S.C. § 78a et seq.) and Rule 10b-5. The original Complaint did not contain a cause of action alleging violations of the Securities Exchange Act of 1934 or the Constitution, or any other laws or treaties of the United States.

11. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a) over the other claims in the First Amended Complaint because they are so related to the Second Cause of Action that they form part of the same case or controversy under Article III of the United States Constitution. All of the claims in the First Amended Complaint rely on the same allegations arising out of the formation of the APA and its subsequent rescission.

Procedural Requirements

12. Removing Defendants will promptly serve a copy of this Notice of Removal on counsel for Plaintiff and file with the Clerk of the Superior Court of Washington, King County, a Notice of Filing of Notice of Removal pursuant to 28 U.S.C. § 1446(d).

13. Other than the aforementioned Summons and Complaint and Summons and First Amended Complaint, Order Setting Civil Case Schedule, and Case Information Cover Sheet and Area Designation, no other process, pleading, or order has been served on Removing Defendants in this action.[1]

14. This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11.

15. This Notice of Removal is timely as the Removing Defendants have filed this Notice within 30 days after receipt of the First Amended Complaint, which is the initial pleading setting forth the claim for relief upon which such action or proceeding is based pursuant to 28 U.S.C. § 1446(b)(1).

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[1] The Removing Defendants filed a Notice of Appearance in the State Court Action on June 14, 2017. *See* Sub No. 16. Subsequently, Plaintiff filed a Motion for Voluntary Dismissal Pursuant to CR 41, which seeks dismissal of its claims as against Steven Rindner, Jane Doe Rindner, and Pilot Group GP, LLC (the "Voluntary Dismissal"). *See* Sub No. 17. The Voluntary Dismissal has not been served on the Removing Defendants or the undersigned counsel. It is, however, included within the record submitted by the Attorney Verification of State Court Record.

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16. By removing this matter, Removing Defendants do not waive, and expressly preserve, any and all defenses that they may have, including, but not limited to, lack of personal jurisdiction.

17. Pursuant to LCR 3(e), assignment to the Seattle Division of the District Court for the Western District of Washington is appropriate. The State Court Action was commenced in King County Superior Court, and the claim arose in King County.

18. Pursuant to LCR 101(c), Removing Defendants have filed an Attorney Verification of State Court Record attaching copies of all additional records and proceedings in the State Court Action.

WHEREFORE, Removing Defendants pray that the above-captioned matter be removed from the Superior Court of Washington, King County, to the United States District Court for the Western District of Washington for the reasons stated above, or for any other reasons the Court deems necessary and proper.

DATED: June 14, 2017.

SAVITT BRUCE & WILLEY LLP

By *s/Stephen C. Willey*
s/Sarah Gohmann Bigelow

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Attorneys for Tammer Fahmy, Howard Lipson, Ross Lukatsevich, Craig Mallitz, Paul McNicol, Joe Robinson, Andrew Russell, and Mayo Stuntz

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2017, the documents identified below:

- **NOTICE OF REMOVAL,**
- **NOTICE TO SUPERIOR COURT OF FILING NOTICE OF REMOVAL,**
- **NOTICE TO PLAINTIFF OF REMOVAL, and**
- **ATTORNEY VERIFICATION OF STATE COURT RECORD**

were served via messenger on the following:

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Attorneys for Plaintiff

DATED on June 14, 2017.

Leslie M. Castello

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